

MONDAY, MAY 22, 1995

FORTY-THIRD LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Doug Bates, Centerville, Tennessee.

Representative Fowlkes led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kieber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

PERSONAL ORDERS

RECOGNITION

Rep. Rinks was recognized in the Well to introduce Granville Hinton, former Representative and former Commissioner of Conservation. The Clerk read House Joint Resolution No. 275.

RECOGNITION

Rep. McDaniel was recognized in the Well to introduce the Delegation from Nepal.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 89: Rep(s). Jackson, Herron, Fitzhugh and White as prime sponsor(s).

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House Joint Resolution No. 247: Rep(s). McMillan as prime sponsor(s).

House Joint Resolution No. 252: Rep(s). Beavers as prime sponsor(s).

House Bill No. 1268: Rep(s). Lewis, Stulce, Newton, Bittle, Kisber, Naifeh and Burchett as prime sponsor(s).

House Bill No. 1752: Rep(s). Jackson as prime sponsor(s).

**ENGROSSED BILLS**  
**May 19, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1213, 1478, 1766 and 1810.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE GOVERNOR**  
**May 19, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 31, 390, 930, 934, 1118, 1412, 1454, 1455, 1731, 1747, 1872 and 1881, with his approval.

HARDY MAYS, Counsel to the Governor.

**MESSAGE FROM THE GOVERNOR**  
**May 22, 1995**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 62 and 80, with his approval.

HARDY MAYS, Counsel to the Governor.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1327.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**  
**May 22, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 220, 234, 264, 265, 266, 267, 269, 270, 272, 273, 274, 275, 276, 279, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**May 22, 1995**

The Speaker signed the following: House Joint Resolution(s) No(s). 220, 234, 264, 265, 266, 267, 269, 270, 272, 273, 274, 275,

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276, 279, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 258; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 258 --** Memorials, Retirement--Dr. Frederic Tremaine Billings, Jr. by \*Womack.

**MESSAGE FROM THE SENATE**

**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, Senate Bill(s) No(s). 816.

The Senate concurred in House Amendment(s) No(s). 2 and nonconcurred in House Amendment(s) No(s). 3.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1558; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**

**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 193, 210, 235, 236, 237, 238, 239, 240, 241, 243 and 244; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**\*Senate Joint Resolution No. 193 --** General Assembly. Directed Studies -- Requests state board of education to provide information to senate and house education committees on number of 16 grade suspended or expelled students and facilities for them; urges LEAs to place such students in existing alternative schools. by \*Womack.

**\*Senate Joint Resolution No. 210 --** Highway Signs -- "Ellis I. Wallen, Sr. Memorial Bridge," Horse Creek on S.R. 93, Sullivan County. by \*Holcomb.

**Senate Joint Resolution No. 235 --** Memorials, Academic Achievement -- Kristi Thompson, 1995 Mt. Juliet High School Salutatorian. by \*Rochelle.

**Senate Joint Resolution No. 236 --** Memorials, Interns -- Jack T. Wilton, Jr. by \*Leatherwood.

**Senate Joint Resolution No. 237** -- Naming and Designating --  
"Tennessee Character Counts Week," third Sunday in October. by  
\*Atchley, \*Rice.

**Senate Joint Resolution No. 238** -- Memorials, Interns --  
Jennifer Rebecca Picklesimer. by \*Atchley.

**Senate Joint Resolution No. 239** -- Memorials, Retirement --  
Chancellor C. Alan High. by \*Haynes, \*Jordan, \*Wilder.

**Senate Joint Resolution No. 240** -- Memorials, Sports -- 1994-  
1995 East Tennessee State University women's basketball team. by  
\*Crowe.

**Senate Joint Resolution No. 241** -- Memorials, Personal  
Occasion -- Harry and Betty Church, 50th Wedding Anniversary by  
\*Crowe.

**Senate Joint Resolution No. 243** -- Memorials, Sports --  
Germantown High School baseball team, "USA Today" top team. by  
\*Person, \*Leatherwood.

**Senate Joint Resolution No. 244** -- Memorials, Death -- Boyd  
Duckworth, Jr. by \*Miller J.

#### INTRODUCTIONS OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the following resolution(s)  
was/were introduced and referred to the appropriate Committee:

**\*House Joint Resolution No. 329** -- General Assembly, Statement  
of Intent or Position-Endorses concept of designating S.R. 269 in  
Bedford County as scenic highway upon two-thirds vote of Bedford  
County Commission approving such action. by \*Phillips.

Calendar and Rules Committee

#### RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were  
introduced and placed on the Consent Calendar for May 24, 1995:

**House Resolution No. 115** -- Memorials, Interns -- Jennifer  
Leigh Dunning. by \*Eckles.

**House Resolution No. 117** -- Memorials, Interns--Ray Akers. by  
\*Napier.

**House Resolution No. 118** -- Memorials, Interns--Courtney Ann  
Clark. by \*Westmoreland.

**House Resolution No. 119** -- Memorials, Personal Occasion--  
Reverend James R. Grimes, Sr., 90th birthday. by \*Walley.

**House Resolution No. 120** -- Memorials, Personal Occasion--Mr.  
and Mrs. Cornelius Mason, Sr., 50th Wedding Anniversary. by \*Pruitt.

House Resolution No. 121 -- Memorials, Personal Occasion--Jack E. and Annette Cantwell, 50th wedding anniversary. by \*Williams (Union).

House Resolution No. 122 -- Memorials, Congratulations--Claiborne County. by \*Williams (Union).

House Resolution No. 123 -- Memorials, Congratulations--Claiborne County Farmers Coop, 50th Anniversary. by \*Williams (Union).

House Resolution No. 124 -- Memorials, Professional Achievement--Earl and Brenda Ingle of Earl's Western Wear. by \*Williams (Union).

House Resolution No. 125 -- Memorials, Sports--1994-1995 Westview High School girls' basketball team. by \*Herron.

House Resolution No. 126 -- Memorials, Interns--Melissa Emmalee McConnell. by \*Naifeh.

House Resolution No. 127 -- Memorials, Interns--Kathy Lynn Norwood. by \*Naifeh.

House Joint Resolution No. 327 -- Memorials, Interns -- Jocelyn Veronica Jones. by \*Byrd, \*Pruitt, \*Arriola, \*DeBerry J.

House Joint Resolution No. 328 -- Memorials, Interns--Lauri Kathryn Hefley. by \*Haley, \*Shirley.

\*House Joint Resolution No. 330 -- General Assembly, Studies--Creates special joint committee to study implementation of state slaughter and inspection program for ratites. by \*Phelan, \*Rigsby.

House Joint Resolution No. 331 -- Memorials, Sports--Portland High School softball team, District 10AA champions. by \*McDonald.

House Joint Resolution No. 332 -- Memorials, Sports--Portland High School baseball team, District 10AA champions. by \*McDonald.

House Joint Resolution No. 333 -- Memorials, Academic Achievement--Katy Hartsgrove, Valedictorian, Northwest High School. by \*McMillan, \*Head.

House Joint Resolution No. 334 -- Memorials, Academic Achievement--Diane Faires, Valedictorian, Northeast High School. by \*Head, \*McMillan.

House Joint Resolution No. 335 -- Memorials, Academic Achievement--Giselle Agosto, Salutatorian, Clarksville Academy. by \*McMillan, \*Head.

House Joint Resolution No. 336 -- Memorials, Academic Achievement--Jamie Adams, Valedictorian, Clarksville Academy. by \*McMillan, \*Head.

House Joint Resolution No. 337 -- Memorials, Academic Achievement--Elizabeth Camille Pedigo, Valedictorian, Clarksville High School. by \*McMillan, \*Head.

House Joint Resolution No. 338 -- Memorials, Academic Achievement--Lora Elizabeth Mitchell, Salutatorian, Clarksville High School. by \*McMillan, \*Head.

House Joint Resolution No. 339 -- Memorials, Academic Achievement--Christy Steinhouser, Salutatorian, Northwest High School. by \*McMillan, \*Head.

House Joint Resolution No. 340 -- Memorials, Academic Achievement--Kathy Hicks, Salutatorian, Northeast High School. by \*Head, \*McMillan.

House Joint Resolution No. 341 -- Memorials, Academic Achievement--Phillip Chambers, Valedictorian, Montgomery Central High School. by \*Head, \*McMillan.

House Joint Resolution No. 342 -- Memorials, Academic Achievement--Joel Morris, Salutatorian, Montgomery Central High School. by \*Head, \*McMillan.

House Joint Resolution No. 343 -- Retirement--Coach Dee Harris. by \*Curtiss, \*Rhinehart, \*Winningham.

House Joint Resolution No. 344 -- Memorials, Public Service--Neighborhood Watch, Inc. by \*DeBerry J, \*Turner (Shelby), \*Chumney, \*Towns, \*Bowers, \*Hassell, \*Joyce, \*Shirley, \*Haley, \*Byrd.

House Joint Resolution No. 345 -- Memorials, Retirement--Maxine Smith, Memphis Branch, NAACP. by \*DeBerry J, \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*Towns, \*Bowers, \*Jones U (Shelby).

House Joint Resolution No. 346 -- Memorials, Interns--Kweilyn Wiseman. by \*DeBerry J, \*Towns, \*Bowers, \*Jones U (Shelby).

House Joint Resolution No. 347 -- Memorials, Sports--1994 Germantown High School football team, Tennessee Secondary school Athletic Association Class 5A runnerup. by \*Shirley, \*Hassell, \*Kent.

House Joint Resolution No. 348 -- Memorials, Interns--Joma K. Harris by \*Robinson, \*Fowlkes, \*Cole (Dyer).

SENATE JOINT RESOLUTIONS  
(Congratulatory and Memorializing)

Pursuant to Rule No. 17, the resolution(s) listed was/were noted as being placed on the Consent Calendar for May 24, 1995:

Senate Joint Resolution No. 235 -- Memorials, Academic Achievement -- Kristi Thompson, 1995 Mt. Juliet High School Salutatorian. by \*Rochelle.

Senate Joint Resolution No. 236 -- Memorials, Interns -- Jack T. Wilton, Jr. by \*Leatherwood.

Senate Joint Resolution No. 237 -- Naming and Designating -- "Tennessee Character Counts Week," third Sunday in October. by \*Atchley, \*Rice.

Senate Joint Resolution No. 238 -- Memorials, Interns -- Jennifer Rebecca Picklesimer. by \*Atchley.

Senate Joint Resolution No. 239 -- Memorials, Retirement --  
Chancellor C. Alan High. by \*Haynes, \*Jordan, \*Wilder.

Senate Joint Resolution No. 240 -- Memorials, Sports -- 1994-  
1995 East Tennessee State University women's basketball team. by  
\*Crowe.

Senate Joint Resolution No. 241 -- Memorials, Personal Occasion  
-- Harry and Betty Church, 50th Wedding Anniversary by \*Crowe.

Senate Joint Resolution No. 243 -- Memorials, Sports --  
Germantown High School baseball team, "USA Today" top team. by  
\*Person, \*Leatherwood.

Senate Joint Resolution No. 244 -- Memorials, Death -- Boyd  
Duckworth, Jr. by \*Miller J.

Senate Joint Resolution No. 258 -- Memorials, Retirement--Dr.  
Frederic Tremaine Billings, Jr. by \*Womack.

Senate Joint Resolution No. 259 -- Memorials, Personal  
Occasion--Milton Hamilton, Sr. and Novelle Rogers Hamilton, 70th  
Wedding Anniversary. by \*Hamilton.

Senate Joint Resolution No. 266 -- Memorials, Public Service--  
Marvin and Sandra Walker, Maryville. by \*Koella.

Senate Joint Resolution No. 267 -- Memorials, Academic  
Achievement--Christie Elizabeth Phillips Walker. by \*Koella.

#### DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction,  
House Bill(s) No(s). 1942, was/were referred to the Delayed Bills  
Committee.

\*House Bill No. 1942 -- Bond Issues -- Authorizes issuance of  
\$16 million in bonds to construct central building to house all of  
divisions of the TBI. by \*Buck, \*Pinion.

#### INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first  
consideration:

House Bill No. 1915 -- Highways, Roads and Bridges -- Removes  
provision relative to placement of county highway department and  
highway garage in Tipton County. Repeals TCA Section 5-7-105(b). by  
\*Naifeh.

House Bill No. 1932 -- Humboldt -- Subject to local approval,  
establishes terms and makeup of school board members in accordance  
with general law. Amends Chapter 77 of the Private Acts of 1913  
(First Extraordinary Session), as amended. by \*Phelan.

House Bill No. 1940 -- Ripley -- Subject to local approval,  
revises charter relative to voting qualifications for nonresident  
property owners, city marshal and/or election by board of other city  
officers and/or agents, and election of city judge. Amends Chapter

223 of the Acts of 1901, as amended. by \*Fitzhugh(SB1928 by \*Leatherwood).

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill:

\*Senate Bill No. 226 -- Business and Commerce -- Requires open booths in adult-oriented establishments; restricts opening and closing times. Amends TCA Title 7, Chapter 51. by \*Rice, \*Carter, \*Fowler, \*Elsea, \*Crowe, \*Gilbert, \*Jordan, \*McNally, \*Miller J, \*Leatherwood.

\* Senate Bill No. 507 -- Administrative Procedure -- Continues certain permanent agency rules pursuant to UAPA beyond expiration date of June 30, 1995. by \*Haynes.

\* Senate Bill No. 1166 -- Election Laws -- Permits local government employees to be political candidates for state or local office and to participate in political activities. by \*Haynes.

\* Senate Bill No. 1220 -- Railroads -- Creates Tennessee Railroad Passenger Commission to promote passenger rail service in Tennessee. Amends TCA Title 4. by \*Harper.

Senate Bill No. 1468 -- Custody and Support -- Requires courts to publish names of obligors who are late on child support payments. Amends TCA Title 36, Chapter 5, Part 1. by \*Wright, \*Atchley, \*Burks, \*Carter, \*Cohen, \*Cooper, \*Crowe, \*Crutchfield, \*Dixon, \*Elsea, \*Ford J, \*Fowler, \*Gilbert, \*Hamilton, \*Harper, \*Haun, \*Haynes, \*Henry, \*Holcomb, \*Jordan, \*Koella, \*Kyle, \*Leatherwood, \*McNally, \*Miller J, \*O'Brien, \*Person, \*Rice, \*Rochelle, \*Springer, \*Wallace, \*Wilder, \*Womack.

\* Senate Bill No. 1563 -- Guardianship -- Changes from 18 to 21 age at which guardianship of minor terminates unless person for whom guardian was appointed shows good cause to court why guardianship should terminate earlier than 21. Amends TCA Title 34. by \*Kyle.

\* Senate Bill No. 1564 -- Education, Higher -- Permits out of state students to attend certain Tennessee institutions of higher education under certain conditions without paying out of state tuition. Amends TCA Title 49. by \*Womack.

Senate Bill No. 1611 -- Housing -- Declares all housing projects property owned by corporate agent of housing authority deemed property of authority and subject to its control. Amends TCA Section 13-20-104. by \*Atchley.

Senate Bill No. 1888 -- Rogersville -- Subject to local approval, restructures water commission. Amends Chapter 519 of the Private Acts of 1911 as amended. by \*Wallace.

Senate Bill No. 1890 -- Church Hill -- Subject to local approval, changes name of Town of Church Hill to City of Church Hill. Amends Chapter 414 of the Private Acts of 1968. by \*Wallace.



**Senate Bill No. 1894** -- Clay County -- Subject to local approval, authorizes provision of natural gas service to residents. by \*Burks.

**Senate Bill No. 1912** -- Germantown -- Subject to local approval, authorizes hotel/motel tax. Amends Chapter 87 of the Private Acts of 1985. by \*Person, \*Leatherwood, \*Ford J.

#### HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 1933** -- Trenton -- Local Bill Held on House Desk

**House Bill No. 1934** -- Carroll County -- Local Bill Held on House Desk

**House Bill No. 1935** -- Henry County -- Local Bill Held on House Desk

**House Bill No. 1936** -- Hamilton County -- Local Bill Held on House Desk

**House Bill No. 1937** -- Gallatin -- Local Bill Held on House Desk

#### REPORTS FROM STANDING COMMITTEES

The committees that met on May 22, 1995 reported the following:

##### EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 580, House Joint Resolution(s) No(s). 281, and Senate Joint Resolution(s) No(s). 182; also House Bill(s) No(s). 1172 and House Resolution(s) No(s). 89 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

##### CONSENT CALENDAR

**House Bill No. 577** -- Motor Vehicles, Titling and Registration -- Permits Shelby County clerk to assess \$2.50 for motor vehicle registration fees Amends TCA Title 55, Chapter 6. by \*Miller L (\*SB0387 by \*Ford J).

**House Bill No. 1760** -- Capital Punishment - Requires trial and appellate courts to give first priority in docketing to cases where state has given notice of intent to seek death penalty or defendant has been sentenced to death. Amends TCA Title 39, Chapter 13, Part 2. by \*Bittle, \*Stamps, \*McDaniel, \*Kisber, \*Williams (Union), \*Roach, \*Kent, \*Ramsey, \*Kerr, \*Bird, \*Davis, \*Westmoreland, \*Coffey, \*Callicott, \*Patton, \*Clabough, \*Beavers, \*Newton, \*Venable, \*Duer, \*Peach, \*Sharp, \*Cantrell, \*Shirley, \*Haley, \*Wood, \*Ford S, \*Dunn(\*SB1745 by \*Person, \*Atchley, \*Koella, \*McNally, \*Leatherwood, \*Rice, \*Carter, \*Holcomb, \*Miller J, \*Elsea, \*Haun, \*Fowler, \*Hamilton).

On motion, House Bill No. 1760 was made to conform with **Senate Bill No. 1745**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 450** -- Sunset Laws - West Fork Drakes Creek Dam and Reservoir Interstate Authority, June 30, 1997. Amends TCA Title 4, Chapter 29; Title 64, Chapter 1. by \*Kernell, \*Garrett, \*Brooks. (SB814 by \*Haynes).

On motion, House Bill No. 450 was made to conform with **Senate Bill No. 814**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 447** -- Sunset Laws - Pest control board, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 62, Chapter 21. by \*Kernell, \*Garrett, \*Brooks. (SB812 by \*Haynes).

On motion, House Bill No. 447 was made to conform with **Senate Bill No. 812**; the Senate Bill was substituted for the House Bill.

**\*House Bill No. 445** -- Sunset Laws - Board for professional counselors, and marital and family therapists. Amends TCA Title 4, Chapter 29; Title 63, Chapter 22. by \*Kernell, \*Garrett, \*Brooks. (SB780 by \*Haynes).

On motion, House Bill No. 445 was made to conform with **Senate Bill No. 780**; the Senate Bill was substituted for the House Bill.

**House Bill No. 470** -- Sunset Laws - Review committee, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 12, Chapter 4. by \*Kernell, \*Garrett, \*Brooks. (\*SB172 by \*Haynes).

On motion, House Bill No. 470 was made to conform with **Senate Bill No. 172**; the Senate Bill was substituted for the House Bill.

**House Bill No. 432** -- Sunset Laws - Board of standards, June 30, 2003. Amends TCA Title 4, Chapter 29; Title 12, Chapter 3. by \*Kernell, \*Garrett, \*Brooks. (\*SB181 by \*Haynes).

On motion, House Bill No. 432 was made to conform with **Senate Bill No. 181**; the Senate Bill was substituted for the House Bill.

**\*House Joint Resolution No. 252** -- Highway Signs - "John A. Jones Bridge" on I-840 spanning Stones Rivers in Rutherford County. by \*Eckles, \*Bragg.

**House Bill No. 526** -- Courts, Juvenile -- Extends jurisdiction, concurrent with circuit and chancery courts, to juvenile courts with regard to proceedings arising from the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Amends TCA 37-1-104. by \*Hassell. (\*SB20 by \*Person).

**\*House Joint Resolution No. 166** -- Highway Signs - "Dennis Rushing Bridge," Rushing Creek, old SR 69, Benton County. by \*Peach.

**\*House Joint Resolution No. 247** -- Highway Signs - "Paul B. Huff Memorial Parkway," Extension of S.R. 374. by \*Head.

**House Bill No. 1551** -- Human Rights -- Permits human rights commission and complainant to seek various types of judicial review, including injunctive relief, restraining orders and compliance orders,

against respondent charged with discriminatory practices in either chancery court or circuit court; allows complainant to file civil suit for actual damages incurred because of discriminatory practice or for discriminatory housing practices in either chancery or circuit court. Amends TCA Title 4, Chapter 21. by \*Rigsby, \*Rhinehart, \*Hargrove, \*Lewis, \*Fowlkes. (\*SB1636 by \*Cooper).

**House Bill No. 798** -- Regional Authorities -- Requires annual, rather than quarterly, board meetings; allows creation of executive committee; allows contracting for operational services including professional planning, engineering, management, operations and support services. Amends TCA Title 64, Chapter 8, Part 1. by \*Robinson. (\*SB918 by \*Womack).

**\*Senate Joint Resolution No. 15** -- Memorials, Congress - Urges proposal of amendment to U.S. Constitution to restore to people right of free religious expression, including right to allow prayer, religious study and religious expression in public schools and other public assemblies. by \*Cooper.

**\*House Joint Resolution No. 248** -- General Assembly, Studies - Establishes special joint committee to study titling and registration of motor vehicles. by \*Odom, \*Purcell.

**House Bill No. 1868** -- Gallatin - Subject to local approval, prohibits mayor or aldermen from holding office while employed by city or holding other publicly elected office. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps. (SB1855 by \*Wright).

**House Bill No. 1873** -- Gallatin - Subject to local approval, revises charter relative to adoption procedure for ordinances and resolutions, veto power of mayor, and public sessions of city council. Amends Chapter 67, Private Acts of 1953, as amended. by \*Stamps. (SB1857 by \*Wright).

**House Bill No. 1883** -- Gallatin - Subject to local approval, revises charter relative to qualifications and authority of city recorder or judge pro tem and disposition of fines imposed by city court; removes concurrent jurisdiction of city court with general sessions court; deletes provisions relative to city workhouse. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps, \*McDonald. (SB1870 by \*Wright).

**House Bill No. 1884** -- Gallatin -- Subject to local approval, increases compensation of aldermen and alderwomen. Amends Chapter 67 of the Private Acts of 1953, as amended. by \*Stamps, \*McDonald. (SB1869 by \*Wright).

**House Bill No. 1896** -- Bradley County - Subject to local approval, creates Bradley County Sheriff's Department Employment Protection Plan. by \*Bird. (SB1882 by \*Miller J).

On motion, House Bill No. 1896 was made to conform with **Senate Bill No. 1882**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1897** -- Rhea County - Subject to local approval, authorizes exemption from hotel motel tax for 501(c)(3) tax exempt organizations organized for religious or charitable purposes if reservation is made by, through or in name of such organization and

purpose is to conduct official affairs and not for recreational purposes. Amends Chapter 148 of the Private Acts of 1992. by \*Duer. (SB1885 by \*Elsea).

On motion, House Bill No. 1897 was made to conform with **Senate Bill No. 1885**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1898** -- Rogersville - Subject to local approval, restructures water commission. Amends Chapter 519 of the Private Acts of 1911 as amended. by \*Givens. (SB1888 by \*Wallace).

On motion, House Bill No. 1898 was made to conform with **Senate Bill No. 1888**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1899** -- Tipton County - Subject to local approval, repeals chapter relative to poor tax levy. - Repeals Chapter 722, Private Acts of 1933, as amended. by \*Naifeh. (SB1900 by \*Leatherwood)

**House Bill No. 1900** -- Tipton County - Subject to local approval, repeals chapter relative to general purpose tax levy. Repeals Chapter 437 of the Private Acts of 1915. by \*Naifeh. (SB1899 by \*Leatherwood).

**House Bill No. 1901** -- Tipton County - Subject to local approval, repeals chapter relative to penal farm superintendent. Repeals Chapter 279, Private Acts of 1976. by \*Naifeh. (SB1898 by \*Leatherwood).

**House Bill No. 1902** -- Tipton County - Subject to local approval, repeals chapter relative to penal farm labor. Repeals Chapter 278 of the Private Acts of 1976. by \*Naifeh. (SB1897 by \*Leatherwood).

**House Bill No. 1903** -- Tipton County - Subject to local approval, repeals chapter relative to levying of hospital tax. - Repeals Chapter 87, Private Acts of 1961, as amended. by \*Naifeh. (SB1896 by \*Leatherwood).

**House Bill No. 1904** -- Tipton County - Subject to local approval, repeals chapter relative to hospital of Tipton County. by \*Naifeh. (SB1895 by \*Leatherwood).

**House Bill No. 1905** -- Tipton County - Subject to local approval, repeals provisions relative to board of education. Repeals Chapter 248 of the Private Acts of 1939. by \*Naifeh. (SB1893 by \*Leatherwood).

**House Bill No. 1906** -- Tipton County - Subject to local approval, repeals provisions relative to issuance of bonds. Repeals Chapter 51 of the Private Acts of 1959. by \*Naifeh. (SB1892 by \*Leatherwood).

**House Bill No. 1907** -- Tipton County - Subject to local approval, repeals provisions relative to hospital board. Repeals Chapter 86, Private Acts of 1961, as amended. by \*Naifeh. (SB1891 by \*Leatherwood).

**House Bill No. 1908** -- Tipton County - Subject to local approval, repeals provisions relative to ambulatory authority. Repeals Chapter 312 of the Private Acts of 1972. by \*Naifeh. (SB1908 by \*Leatherwood).

**House Bill No. 1909** -- Tipton County - Subject to local approval, repeals provisions relative to office of county judge. Repeals Chapter 289, Acts of 1905, as amended. by \*Naifeh. (SB1909 by \*Leatherwood).

**House Bill No. 1910** -- Tipton County - Subject to local approval, repeals provisions relative to county industrial agent. Repeals Chapter 554 of the Private Acts of 1919. by \*Naifeh. (SB1904 by \*Leatherwood).

**House Bill No. 1911** -- Tipton County - Repeals provisions relative to Quarterly County Court and office building construction. Repeals Chapter 534, Private Acts of 1949, and all acts amendatory thereto. by \*Naifeh. (SB1903 by \*Leatherwood).

**House Bill No. 1912** -- Tipton County - Subject to local approval, repeals provisions relative to justices of the peace and legislative body mileage. Repeals Chapter 980, Private Acts of 1921, as amended. by \*Naifeh. (SB1902 by \*Leatherwood).

**House Bill No. 1914** -- Utilities, Utility Districts - Requires commissioners of Fall Creek Falls Water Utility District to be elected at annual meeting by customers of district for two year terms. by \*Rhinehart. (\*SB1886 by \*Elsea).

**House Bill No. 1916** -- Tipton County - Subject to local approval, repeals provisions relative to superintendent of education. Repeals Chapter 42 of the Private Acts of 1977. by \*Naifeh. (SB1906 by \*Leatherwood).

**House Bill No. 1917** -- Tipton County - Subject to local approval, amends provision relative to elected term of school board members. Amends Chapter 378 of the Private Acts of 1947, as amended. by \*Naifeh. (SB1907 by \*Leatherwood).

**House Bill No. 1918** -- Tipton County - Subject to local approval, amends charter relative to purchasing committee. Amends Chapter 518 of the Private Acts of 1941, as amended. by \*Naifeh. (SB1905 by \*Leatherwood).

**House Bill No. 1919** -- Clay County - Subject to local approval, authorizes provision of natural gas service to residents. by \*Winningham. (SB1894 by \*Burks).

On motion, House Bill No. 1919 was made to conform with **Senate Bill No. 1894**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1920** -- Church Hill - Subject to local approval, changes name of Town of Church Hill to City of Church Hill. Amends Chapter 414 of the Private Acts of 1968. by \*Givens. (SB1890 by \*Wallace).

On motion, House Bill No. 1920 was made to conform with **Senate Bill No. 1890**; the Senate Bill was substituted for the House Bill.

**House Bill No. 1927** -- Cumberland County - Subject to local approval, authorizes inclusion of state or local governmental entity in definition of person and operator in hotel/motel tax act. Amends Chapter 145 of the Private Acts of 1979. by \*Duer, \*Curtiss. (SB1911 by \*O'Brien).

House Resolution No. 107 -- Memorials, Interns - Kristina L. Garcia. by \*Purcell.

House Resolution No. 108 -- Memorials, Sports - Germantown High School baseball team, "USA Today" top ranked team in nation. by \*Shirley, \*Hassell, \*Kent.

House Resolution No. 109 -- Memorials, Personal Occasion - Mary Lou and Fonnies Railey, 50th wedding anniversary. by \*Williams (Union).

House Resolution No. 110 -- Memorials, Personal Occasion - Bonnie and Clyde Sands, 50th Wedding Anniversary. by \*Williams (Union).

House Resolution No. 111 -- Memorials, Sports - R. L. Jones, golfer. by \*McKee.

House Resolution No. 112 -- Memorials, Sports - 1994-1995 Gleason High School girls' basketball team. by \*Herron.

House Resolution No. 113 -- Memorials, Death - Julian Francis Nunamaker, Bruceton. by \*Herron.

House Resolution No. 114 -- Memorials, Sports - Huntsville Middle School girls' basketball team. by \*Winningham.

House Joint Resolution No. 324 -- Memorials, Retirement - Claude Dale Bowers. by \*Hassell.

House Joint Resolution No. 325 -- Memorials, Recognition and Thanks-50-year veterans of American Legion Post 46. by \*Hargrove.

House Joint Resolution No. 326 -- Memorials-Commemoration of 100th Anniversary of Standing Stone Monument dedication. by \*Hargrove.

Senate Joint Resolution No. 213 -- Memorials, Public Service - Ola Roberson, Mary Catherine Strobel Volunteer of the Year Award. by \*Wright.

Senate Joint Resolution No. 214 -- Memorials, Death - Judge Gale Robinson, Nashville. by \*Haynes, \*Wilders, \*Rochelle, \*Kyle.

Senate Joint Resolution No. 215 -- Memorials, Interns - Forestine Nicole Gray. by \*Harper.

Senate Joint Resolution No. 216 -- Memorials, Death - Morris Clark Swett. by \*Harper, \*Wilders, \*Dixon, \*Haynes.

Senate Joint Resolution No. 218 -- Memorials, Professional Achievement - Charles M. Temple, President, State Technical Institute, Memphis. by \*Dixon.

Senate Joint Resolution No. 219 -- Memorials, Public Service - Ruthie Mae DeBerry. by \*Dixon.

Senate Joint Resolution No. 222 -- Memorials, Death - Dr. James T. Hayes, Jr. by \*Haynes.

Senate Joint Resolution No. 223 -- Memorials, Retirement - Nancy Allen, City of Goodlettsville. by \*Haynes.

**Senate Joint Resolution No. 224** -- Memorials, Interns - David Swaney, Senate Page. by \*Rice.

**Senate Joint Resolution No. 225** -- Memorials, Retirement - Sam Whitlow. by \*Harper.

**Senate Joint Resolution No. 231** -- Memorials, Professional Achievement - Ken Barker, PTA Outstanding Elementary Principal of the Year. by \*Fowler.

**Senate Joint Resolution No. 233** -- Memorials, Sports - Claiborne County High School Lady Blue Devils, 1995 District 2AA Girls Basketball Champions. by \*Wallace.

**Senate Joint Resolution No. 234** -- Memorials, Sports - Rutledge High School Lady Pioneers girls' basketball team, 1994-1995 District 2AA Regular Season Champions. by \*Wallace.

**OBJECTION -- CONSENT CALENDAR**

Objection(s) was/were filed to the following on the Consent Calendar:

**House Bill No. 526:** by Rep. Brooks.

**House Bill No. 577:** by Rep. Shirley.

**House Bill No. 798:** by Rep. Brooks.

**House Bill No. 1551:** by Rep. Brooks.

**House Bill No. 1884:** by Rep. Burchett.

Under the rules, House Bill(s) No(s). 526, 577, 798, 1551 and 1884 was/were placed at the foot of the calendar for May 22, 1995.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West,

Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

#### REGULAR CALENDAR

**House Bill No. 1153** -- Health, Dept. of - Clarifies that certain boards are under division of health related boards for purpose of enforcing civil penalties imposed by such boards. Amends TCA Title 68, Chapter 1. by \*Armstrong, \*Ritchie, \*Turner (Shelby), \*Jones R (Shelby), \*Miller L, \*DeBerry L, \*DeBerry J, \*Towns, \*Brooks, \*Pruitt, \*Bowers. (\*SB158 by \*Haynes).

Further consideration of House Bill No. 1153, previously considered on May 15, 1995, and reset to today's Calendar.

Rep. Armstrong moved that House Bill No. 1153 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

**House Bill No. 1115** -- Mental Illness - Requires permission of custodial parent to release mental health records of minors. Amends TCA Title 33, Chapter 3. by \*Ritchie. (\*SB1419 by \*Gilbert).

Further consideration of House Bill No. 1115, previously considered on May 15, 1995, and reset to today's Calendar.

On motion, House Bill No. 1115 was made to conform with **Senate Bill No. 1419**; the Senate Bill was substituted for the House Bill.

Rep. Ritchie moved that Senate Bill No. 1419 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Ritchie moved that **Senate Bill No. 1419** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 99  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.



A motion to reconsider was tabled.

**House Bill No. 1461** -- Election Laws - Allows person eligible for restoration of citizenship rights to certify to county registrar as to status. Amends TCA 40-29-105. by \*Towns, \*Bowers, \*Turner (Shelby), \*DeBerry J, \*Brooks, \*Towns. (\*SB545 by \*Ford J).

Further consideration of House Bill No. 1461, previously considered on April 27, 1995, and May 15, 1995, and reset to today's Calendar.

Rep. Towns requested that House Bill No. 1461 be moved down ten places on today's Calendar, which motion prevailed.

**House Bill No. 1099** -- Safety - Restricts exemption of open air facilities where portable facilities can be located to those existing prior to July 1, 1985 under Tennessee Equitable Restrooms Act. Amends TCA Title 68, Chapter 120, Part 5. by \*Chumney. (\*SB1314 by \*Cohen).

On motion, House Bill No. 1099 was made to conform with **Senate Bill No. 1314**; the Senate Bill was substituted for the House Bill.

Rep. Chumney moved that Senate Bill No. 1314 be passed on third and final consideration.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1314 by deleting the language " Open air facilities" in the amendatory language of Section 1 and by substituting instead the language " Automobile race tracks" .

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **Senate Bill No. 1314**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	93
Noes .....	1
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby),

Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Winningham -- 1.

Representatives present and not voting were: Bell, Windle -- 2.

A motion to reconsider was tabled.

**House Bill No. 955** -- Metropolitan Government - Allows legislative body of metropolitan government to assign responsibility for planning, locating, constructing and operating storm water facilities to any department or commission in county. Amends TCA Title 68, Chapter 221. by \*Odom, \*Langster, \*Pruitt, \*West, \*Robinson, \*Arriola, \*Garrett, \*Jones, S., \*Purcell. (\*SB897 by \*Rochelle, \*Harper).

Further consideration of House Bill No. 955, previously considered on April 24, 1995, April 26, 1995, and May 17, 1995, and reset to today's Calendar.

On motion, House Bill No. 955 was made to conform with **Senate Bill No. 897**; the Senate Bill was substituted for the House Bill.

Rep. Odom moved that **Senate Bill No. 897** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 232** -- DUI/DWI Offenses - Requires rather than authorizes judges to require interlock device to be installed if person is convicted of driving under the influence of intoxicant Amends TCA Title 55, Chapter 10, Part 4. by \*Odom, \*Jones, S. (SB846 by \*Holcomb).

Rep. Odom moved that **House Bill No. 232** be re-referred to the Committee on Calendar and Rules, which motion prevailed.

**House Bill No. 1357** -- Sentencing - Requires administrators of local jails to publish method by which jail calculates service of hour, day or month for persons serving criminal sentence on non-continuous days; provides that first 48 hours of any sentence that may be served on non-consecutive days must be served hour for hour. Amends TCA Title 40, Chapter 35. by \*Buck. (\*SB1560 by \*Kyle).

On motion, House Bill No. 1357 was made to conform with **Senate Bill No. 1560**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that Senate Bill No. 1560 be passed on third and final consideration.

Rep. Buck requested that Senate Bill No. 1560 be moved down five places on today's Calendar, which motion prevailed.

**House Bill No. 876** -- Domestic Violence - Requires health professionals and certain other persons likely to come into contact with persons subjected to spousal abuse to file reports on suspected abuse under certain circumstances. Amends TCA Title 36, Chapter 3, Part 6. by \*Turner (Hamilton), \*Eckles, \*Jones, S., \*Pruitt, \*DeBerry L, \*Chumney. (\*SB1059 by \*Crutchfield).

Rep. Turner(Hamilton) moved that House Bill No. 876 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 876 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 36, Chapter 3, Part 6, is amended by adding the following as a new section:

SECTION \_\_\_\_.

(a) The general assembly finds that the incidence of spousal abuse and reports of the battering is on the rise in Tennessee and that measures should be taken to statistically document these incidents so that further study can be undertaken, and reasonable proposals to end the violence be put forth and considered in a rational and deliberate manner. The general assembly further finds that such statistics can be compiled only if health care practitioners report instances of abuse at the time they examine abused patients. Such reporting will most likely occur if the law protects both the practitioner's duty to maintain confidentiality, with full civil immunity, including immunity from licensure actions, and the patient from the types of violence, including acts of revenge, that may result when the batterer is reported. Any such

reporting system must be administered in a manner that ensures that abused patients are encouraged to seek adequate medical care for their physical and emotional injuries which result from acts of spousal abuse. It is a further finding of the general assembly that neither the police and sheriffs' departments statewide, nor the courts, are adequately trained, or equipped by law, to fully address, or help to reduce, the incidence of spousal abuse and domestic violence.

(b) Any health care practitioner licensed under Title 63, who knows, or has reasonable cause to suspect, that a patient's injuries, whether or not such injuries cause a patient's death, are the result of domestic violence or abuse, shall make a report to the local police department or other local law enforcement agency within ten (10) business days following the patient's treatment date. The report shall not disclose the name or identity of the patient, but shall include the nature and extent of the patient's injuries, the substance in summary fashion of any statements made by the patient, including comments concerning past spousal abuse with the patient's current spouse or previous partner(s), that would reasonably give rise to a suspicion of spousal abuse. The practitioner shall include any other information upon which the suspicion of abuse is based.

(c) In the event of treatment of a patient by more than one (1) health practitioner, it shall be the duty of the supervising practitioner of the unit or department providing treatment, or of any other health practitioner designated by said unit or department, to ensure that the required reports are made on a timely basis.

(d) Any person making any report pursuant to this part, including employees or agents of health care practitioners licensed under Title 63 in the reasonable performance of their duties and within the scope of their authority, shall be presumed to be acting in good faith and shall thereby be immune from any liability, civil or criminal, that might otherwise be incurred or imposed including administrative actions for licensure revocation. Any person alleging lack of good faith has the burden of proving bad faith by clear and convincing evidence. Any such reporter shall have the same immunity with respect to participation in any judicial proceeding resulting from such report, or in any judicial or administrative proceeding in which the information so reported is subpoenaed, examined or considered.

(e)

(1) The identity of a person who reports abuse, neglect, or exploitation, and the information so reported, as contemplated under this section are confidential and privileged and may not be revealed unless a court with jurisdiction under this part so orders for good cause shown.

(2) Except as otherwise provided in this section, it shall be unlawful for any person, except for purposes directly connected with the administration of this part, to disclose, receive, make use of, authorize or knowingly permit, participate, or acquiesce in the use of any list or the name of, or any information concerning, a practitioner participating in the voluntary reporting system created hereunder, or any information concerning a report of spousal abuse, neglect, or exploitation, directly or indirectly derived from the records, papers, files or communications with, or of, any law enforcement agency or divisions thereof cited under this section.

(3) A violation of any provision of subsection (e) of this section is a Class B misdemeanor.

(f) On a form to be created by the Tennessee Task Force Against Domestic Violence and the Tennessee Medical Association, in consultation with the Bureau of Vital Statistics and the Metropolitan Nashville Davidson County Police Department, all local law enforcement agencies shall file summary reports on a monthly basis, of the incidents of spousal abuse that are reported to them by health care practitioners in the local geographical area, to the Tennessee Bureau of Vital Statistics. Local law enforcement agencies shall also file a copy of such reports with their respective community health agency. Additionally, the clerk of each court having jurisdiction over cases involving spousal abuse, as contemplated under this part, shall report to the Bureau of Vital Statistics, at the end of each calendar year, the number of such cases filed with such court, and noting the disposition of such cases whether by dismissal, conviction, or diversion. The Bureau of Vital Statistics shall compile such statistics in a meaningful fashion, in consultation with the Tennessee Task Force Against Domestic Violence, and by breaking the information down by division into the twelve (12) community health agencies statewide. At the end of each calendar year, the bureau shall file a report of the incidence of spousal abuse with the speakers of both houses, the Tennessee Task Force

Against Domestic Violence, and the Tennessee Medical Association.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 2 as follows:

**Amendment No. 2**

AMEND House Bill No. 876 by deleting the first sentence of subsection (f) of SECTION 1 as amended by House Judiciary Committee Amendment No. 1 and substituting instead the following:

On a form designed and promulgated by the commissioner of health, in consultation with the Tennessee Task Force Against Domestic Violence and the Tennessee Medical Association, all local law enforcement agencies shall file summary reports to the Tennessee Bureau of Vital Statistics on a monthly basis of the incidents of spousal abuse that are reported to them by health care practitioners in the local geographical area. Such forms may be printed and distributed by such Task Force, Association or any other such group or organization but in no event shall the state of Tennessee incur any cost in printing or distributing such form.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 3 as follows:

**Amendment No. 3**

AMEND House Bill No. 876 by deleting the second and third sentences of subsection (f) of SECTION 1, as amended by House Judiciary Committee Amendment No. 1 as printed, and substituting instead the following:

Local law enforcement agencies shall also comply with Tennessee Code Annotated, Section 40-7-103, and the administrative director of the courts shall provide this information to the Bureau of Vital Statistics at the end of the calendar year.

On motion, Amendment No. 3 was adopted.

Rep. Turner(Hamilton) moved that **House Bill No. 876**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,

DeBerry, L., Dunn, Eckles, Fitzhugh, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

Representatives present and not voting were: Ford, Peach -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 1657** -- Highways, Roads and Bridges - Requires department of transportation to plant 200, instead of 24, acres of wildflowers along highway system and interchanges in state's four regions; requires department to plant wildflowers on state roads and interstate highways extending five miles beyond corporate limits of each municipality with population of 50,000 or more. Amends TCA Title 54, Chapter 5, Part 12. by \*Duer, \*Head. (SB1680 by \*Cohen, \*Crowe, \*Wallace).

On motion, House Bill No. 1657 was made to conform with **Senate Bill No. 1680**; the Senate Bill was substituted for the House Bill.

Rep. Duer moved that Senate Bill No. 1680 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Duer moved that **Senate Bill No. 1680** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**\*House Bill No. 1814** -- Sentencing - Makes aggravated assault on employee of department of youth development or department of correction enhancement factor in terms of sentencing for aggravated assault. Amends TCA 39-13-102(d). by \*Boyer, \*Cantrell, \*Sharp, \*Williams (Union), \*Boyer, \*Westmoreland, \*Patton, \*Newton, \*Kent, \*Cole (Carter), \*Coffey, \*Wood, \*Beavers, \*Kerr, \*Peach, \*Clabough, \*Ford S, \*Roach, \*Haley, \*Bird, \*Davis. (SB1803 by \*Person, \*Atchley, \*Rice, \*Elsea, \*McNally, \*Carter, \*Jordan, \*Haun).

On motion, House Bill No. 1814 was made to conform with **Senate Bill No. 1803**; the Senate Bill was substituted for the House Bill.

Rep. Boyer moved that Senate Bill No. 1803 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 1803 by deleting SECTION 1 in its entirety and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-13-102, is amended by deleting the final sentence of subsection (d) and substituting instead the following:

The court shall consider as an enhancement factor at the time of sentencing that the victim of the aggravated assault was a law enforcement officer, firefighter, correctional officer, youth services officer, probation officer, parole officer or an employee of the departments of correction or youth development provided such officers or employees were performing an official duty.

On motion, Amendment No. 1 was adopted.

Rep. Boyer moved that **Senate Bill No. 1803**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	98
Noes .....	0
Present and not voting .....	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),



Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

Representatives present and not voting were: Turner (Shelby) -- 1.

A motion to reconsider was tabled.

**House Bill No. 1306** -- Cocke County - Subject to local approval, provides for licensure and regulation of commercial outfitters, authorizes privilege tax on use of watercraft on those portions of Pigeon and French Broad Rivers. by \*Davis. (SB1581 by \*Haun).

Rep. Davis moved that House Bill No. 1306 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

**House Bill No. 1040** -- Handicapped Persons - Authorizes appointment of volunteers to issue citations for unauthorized use of handicapped parking or placards. Amends TCA Title 55, Chapter 21, Part 1 Amends TCA Title 55, Chapter 21, Part 1. by \*Shirley, \*Odom. (\*SB25 by \*Cohen, \*Springer).

On motion, House Bill No. 1040 was made to conform with **Senate Bill No. 25**; the House Bill was substituted for the House Bill.

Rep. Shirley moved that Senate Bill No. 25 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Odom moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 25 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 55, Chapter 21, Part 1, is amended by adding the following as a new section:

(a) A law enforcement agency authorized to enforce parking laws may appoint a volunteer to issue a citation for violations of Tennessee Code Annotated, Section 55-21-108 or an ordinance dealing with parking privileges for handicapped persons, pursuant to the following provisions:

(1) A volunteer appointed under this section shall be either a disabled veteran or a physically handicapped person as designated in Tennessee Code Annotated, Section 55-21-106(a), and at least twenty-one (21) years of age. The law enforcement agency appointing a volunteer may establish any other qualifications the agency deems desirable. For the sole purpose of

implementing the provisions of this subsection, a law enforcement agency may deputize such volunteers as special deputies. Such volunteers shall be deputies only for the purpose of carrying out duties authorized by this section, and no other activity shall be considered to be within the scope of their volunteer employment.

(2) Any agency appointing a volunteer shall provide training before authorizing a volunteer to issue citations.

(3) A citation issued by a volunteer appointed under this section shall have the same force and effect as a citation issued by a law enforcement officer for the same offense.

(b) Notwithstanding any provision of law to the contrary, any county having a metropolitan form of government with a population greater than one hundred thousand (100,000) may establish a special enforcement unit for the sole purpose of providing adequate enforcement of Tennessee Code Annotated, Section 55-21-108 and local ordinances and resolutions relative to disabled parking, pursuant to the following provisions:

(1) A city, county, or metropolitan government may establish recruitment and employment guidelines which encourage and enable employment of qualified disabled persons in such special enforcement units.

(2) A member of the special enforcement unit may issue a notice of a parking violation under Tennessee Code Annotated, Section 55-21-108, or local ordinances relative to disabled parking. A member of the special enforcement unit shall not be considered to be a law enforcement officer and shall not make an arrest in the course of the member's official duties, but shall wear a distinctive uniform and badge while on duty. A two-way radio unit, which may utilize police frequencies or citizens' band, may be issued by the local authority to each member of the special enforcement unit for use while on duty.

(3) A city, county, or metropolitan government may pay the cost of special uniforms and badges for the special enforcement unit, and may provide daily cleaning of the uniforms. Additionally, the city, county, or metropolitan government may provide motorized wheelchairs for use by members of the special unit while on duty, including batteries and necessary recharging thereof. Any

motorized wheelchair used by a member  
of the special enforcement unit while on duty  
shall be equipped with a single head lamp in the front  
and a single stop lamp in the rear.

(4) A member of the special  
enforcement unit may be paid an hourly  
wage without the benefits provided other  
permanent and temporary employees, but  
shall be entitled to applicable workers'  
compensation benefits as provided by law. Insurance  
provided by the city, county, or metropolitan  
government for disability or liability of a  
member of the special enforcement unit  
shall be the same as for other employees  
performing similar duties.

(5) Nothing in this section shall be  
construed to preclude a city, county, or  
metropolitan government from using  
regular full-time employees to enforce  
ordinances or resolutions adopted pursuant thereto.

SECTION 2. This act shall take effect July 1, 1995,  
the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Shirley moved that Senate Bill No. 25 be passed on third and  
final consideration.

Rep. Westmoreland moved that Senate Bill No. 25 be re-referred to  
the Calendar and Rules Committee, which motion failed by the following  
vote:

Ayes ..... 32  
Noes ..... 54  
Present and not voting ..... 3

Representatives voting aye were: Armstrong, Arriola, Bell, Bragg,  
Buck, Davidson, Duer, Eckles, Fitzhugh, Givens, Herron, Hicks, Jones,  
U. (Shelby), Lewis, McDonald, McKee, McMillan, Patton, Phelan,  
Phillips, Purcell, Rhinehart, Rigsby, Rinks, Ritchie, Roach, Sharp,  
Stulce, Westmoreland, White, Winningham, Mr. Speaker Naifeh -- 32.

Representatives voting no were: Beavers, Bird, Bittle, Bowers,  
Boyer, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough,  
Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, DeBerry, L., Dunn,  
Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hassell,  
Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr,  
Langster, McDaniel, Miller, Napier, Newton, Odom, Peach, Pinion,  
Ramsey, Robinson, Shirley, Stamps, Tindell, Towns, Venable, Walley,  
West, Whitson, Williams (Union), Windle, Wood -- 54.

Representatives present and not voting were: McAfee, Turner  
(Hamilton), Turner (Shelby) -- 3.

Rep. Shirley requested that Senate Bill No. 25 be moved down five  
places on today's Calendar, which motion prevailed.

**\*Senate Bill No. 1560** -- Sentencing -- Requires administrators of local jails to publish method by which jail calculates service of hour, day or month for persons serving criminal sentence on noncontinuous days; provides that first 48 hours of any sentence that may be served on non-consecutive days must be served hour for hour. Amends TCA Title 40, Chapter 35. by \*Kyle. (HB1357 \*Buck).

Further consideration of Senate Bill No. 1560, previously considered on today's Calendar.

Rep. Buck moved that Senate Bill No. 1560 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

**\*House Bill No. 1413** -- Motor Vehicles, Titling and Registration - Deletes obsolete language requiring commissioner to reissue new registration plates commencing January 1, 1988, and each fifth anniversary date thereafter. Amends TCA Title 55, Chapter 4. by \*Newton. (SB1599 by \*Miller J).

On motion, House Bill No. 1413 was made to conform with **Senate Bill No. 1599**; the Senate Bill was substituted for the House Bill.

Rep. Newton moved that Senate Bill No. 1599 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 2.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 3.

Rep. Newton moved that **Senate Bill No. 1599** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1461** -- Election Laws - Allows person eligible for restoration of citizenship rights to certify to county registrar as to status. Amends TCA 40-29-105. by \*Towns, \*Bowers, \*Turner (Shelby), \*DeBerry J, \*Brooks, \*Towns. (\*SB545 by \*Ford J).

Further consideration of House Bill No. 1461, previously considered on today's Calendar.

Rep. Towns moved that House Bill No. 1461 be passed on third and final consideration.

Rep. Towns requested that House Bill No. 1461 be moved down ten places on today's Calendar, which motion prevailed.

**\*House Joint Resolution No. 89** -- General Assembly, Studies - Creates special joint committee to study women's health issues. by \*Chumney, \*Jones, S., \*Langster, \*Bowers, \*Eckles, \*Williams (Williamson), \*McMillan, \*Brown, \*Turner (Hamilton), \*Odom, \*DeBerry J, \*Towns, \*McDonald, \*Armstrong, \*Buck, \*Purcell, \*Hassell, \*Kernell, \*Brooks, \*Duer, \*McAfee, \*Curtiss, \*Haley.

Rep. Chumney moved that House Joint Resolution No. 89 be adopted.

Rep. Byrd moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Joint Resolution No. 89 by deleting from the first resolving clause the words " and identify adequate funding sources for" .

AND FURTHER AMEND by deleting the second resolving clause in its entirety and by substituting instead the following:

BE IT FURTHER RESOLVED, That areas the special joint committee may study and make recommendations for shall include, but not be limited to:

- (1) Improving breast cancer and cervical cancer prevention and control;
- (2) The inclusion of women's health problems in biomedical studies conducted by state universities; and biobehavioral clinical research colleges and
- (3) Available statistics relative to women's health in Tennessee;
- (4) The effect of the TennCare program, and other publicly funded health and social programs, on women's health;
- (5) Educational programs for women relative to neonatal care, prenatal care and other aspects of

child care, heart disease, AIDS, cancer, lung disease and early detection and intervention procedures for other diseases and medical conditions; and

(6) The status of women's health in Tennessee and improvements in this area.

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Joint Resolution No. 89**, as amended, be adopted, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1752** -- Business and Commerce - Enacts "Tennessee Industrial Finance Corporation Act." by \*Purcell, \*Kisber, \*Rhinehart, \*Bragg, \*Head, \*Hargrove, \*Bittle, \*Jones R (Shelby), \*DeBerry L, \*Walley, \*Chumney, \*Gunnels. (\*SB1621 by \*Wilder, \*Atchley, \*Crutchfield, \*Rochelle, \*Koella, \*Person, \*Henry, \*Haynes, \*Ford J, \*Cohen, \*O'Brien).

Further consideration of House Bill No. 1752, previously considered on May 18, 1995, and reset to today's Calendar.

Rep. Purcell moved that House Bill No. 1752 be reset to the Calendar for Wednesday, May 24, 1995, which motion prevailed.

**\*Senate Bill No. 25** -- Handicapped Persons -- Authorizes appointment of volunteers to issue citations for unauthorized use of handicapped parking or placards. Amends TCA Title 55, Chapter 21, Part 1. Amends TCA Title 55, Chapter 21, Part 1. by \*Cohen, \*Springer (HB1040 \*Shirley, \*Odom).

Further consideration of Senate Bill No. 25, previously considered on today's Calendar.

Rep. Shirley moved that Senate Bill No. 25 be passed on third and final consideration.

Rep. Odom moved adoption of Amendment No. 3 as follows:

**Amendment No. 3**

AMEND Senate Bill No. 25 by adding the following new section to precede the effective date section:

SECTION \_\_\_\_ The provisions of this act shall only apply in any county which adopts the provisions of this act by a two-thirds (2/3) vote of the county legislative body.

On motion, Amendment No. 3 was adopted.

Rep. Shirley moved that **Senate Bill No. 25**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	72
Noes .....	14
Present and not voting .....	8

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davis, DeBerry, J., DeBerry, L., Dunn, Fitzhugh, Ford, Fowlkes, Garrett, Gunnels, Haley, Halteman Harwell, Hassell, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Lewis, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Peach, Pinion, Ramsey, Rhinehart, Ridgeway, Roach, Robinson, Sharp, Shirley, Stamps, Tindell, Towns, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Union), Williams (Williamson), Windle, Wood -- 72.

Representatives voting no were: Armstrong, Bell, Bragg, Buck, Eckles, Givens, Head, Phillips, Rigsby, Rinks, Stulce, Westmoreland, White, Winningham -- 14.

Representatives present and not voting were: Duer, Kisber, Langster, Patton, Pruitt, Ritchie, Turner (Shelby), Mr. Speaker Naifeh -- 8.

A motion to reconsider was tabled.

**House Bill No. 1728** -- Hazardous Materials - Prohibits portable hazardous waste treatment facilities from bringing hazardous wastes from outside of Tennessee into state for storage and treatment. Amends TCA Title 68, Chapter 212. by \*Jackson, \*Pinion, \*Buck, \*Cross, \*Ridgeway. (\*SB1644 by \*Springer).

On motion, House Bill No. 1728 was made to conform with **Senate Bill No. 1644**; the Senate Bill was substituted for the House Bill.

Rep. Jackson moved that Senate Bill No. 1644 be passed on third and final consideration.

On motion, Rep. Napier withdrew Conservation and Environment Committee Amendment No. 1.

Rep. Kerr moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Jackson moved that **Senate Bill No. 1644** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

**House Bill No. 1293** -- Civil Procedure - Allows jury selection from another county upon motion for change of venue. Amends TCA Title 20, Chapter 4, Part 2. by \*Windle. (\*SB797 by \*Fowler).

On motion, House Bill No. 1293 was made to conform with **Senate Bill No. 797**; the Senate Bill was substituted for the House Bill.

Rep. Windle moved that Senate Bill No. 797 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Windle moved that **Senate Bill No. 797** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes ..... 98  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odum, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton),



Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

**House Bill No. 1268** -- Employees, Employers - Provides civil immunity to employer who, in response to reference request about current or former employee, supplies fair and unbiased information. Amends TCA Title 50, Chapter 1. by \*McDaniel, \*Coffey, \*Peach, \*Haley. (\*SB382 by \*Haun, \*Fowler, \*McNally, \*Miller J, \*Holcomb).

On motion, House Bill No. 1268 was made to conform with **Senate Bill No. 382**; the Senate Bill was substituted for the House Bill.

Rep. McDaniel moved that Senate Bill No. 382 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND Senate Bill No. 382 by deleting the amendatory language of Section 1 of the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 50, Chapter 1, is amended by adding the following as a new section:

Any employer that, upon request by a prospective employer or a current or former employee, provides truthful, fair and unbiased information about a current or former employee's job performance is presumed to be acting in good faith and is granted a qualified immunity for the disclosure and the consequences of the disclosure. The presumption of good faith is rebuttable upon a showing by a preponderance of the evidence that the information disclosed was:

- (1) Knowingly false;
- (2) Deliberately misleading;
- (3) Disclosed for a malicious purpose;
- (4) Disclosed in regardless disregard for its falsity or defamatory nature; or
- (5) Violative of the current or former employee's civil rights pursuant to current employment discrimination laws.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

**Amendment No. 2**

AMEND Senate Bill No. 382 by deleting from item (4) of the amendatory language of SECTION 1, as amended by House Judiciary Committee Amendment No. 1, the word " regardless" and substituting instead the word " reckless" .

On motion, Amendment No. 2 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. McDaniel moved that **Senate Bill No. 382**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes .....	94
Noes .....	3
Present and not voting .....	2

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Turner (Hamilton), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Brown, Towns -- 3.

Representatives present and not voting were: Kernell, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

**House Bill No. 1625** -- Pari-mutuel Betting - Authorizes county or municipality to call referendum to determine whether pari-mutuel betting wagering on horse racing will be permitted at satellite simulcast teletheaters located in such county or municipality. Amends TCA 4-36-103, 302, 303, 306(b)(2), (3), 401. by \*Jones R (Shelby), \*Jones U (Shelby), \*Miller L, \*Stamps, \*Kent, \*Davis, \*Huskey, \*DeBerry L, \*Turner (Shelby). (\*SB927 by \*Ford J).

Further consideration of House Bill No. 1625, previously considered on May 18, 1995, and reset to today's Calendar.

Rep. Jones R(Shelby) moved that House Bill No. 1625 be reset to the heel of the Calendar for Wednesday, May 24, 1995, which motion prevailed.

**House Bill No. 1461** -- Election Laws - Allows person eligible for restoration of citizenship rights to certify to county registrar as to

status. Amends TCA 40-29-105. by \*Towns, \*Bowers, \*Turner (Shelby), \*DeBerry J, \*Brooks, \*Towns. (\*SB545 by \*Ford J).

Further consideration of House Bill No. 1461, previously considered on today's Calendar.

Rep. Towns requested that **House Bill No. 1461** be re-referred to the Calendar and Rules Committee, which motion prevailed.

#### MESSAGE CALENDAR

##### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 339** -- DUI/DWI Offenses -- Adds technologists and certified and/or nationally registered phlebotomists to those authorized to take blood samples for DUI and BUI testing purposes in any county. Amends TCA Title 55, Chapter 10, Part 4; Title 69, Chapter 10, Part 2. by \*Arriola, \*Odom, \*Ramsey(\*SB53 by \*Holcomb).

##### Senate Amendment No. 1

AMEND House Bill No. 339 by inserting in the amendatory language of Section 2 the language " or, notwithstanding any other provision of law to the contrary, licensed emergency medical technician approved to establish intravenous catheters" between the words " licensed paramedic" and the comma.

AND FURTHER AMEND by inserting in the amendatory language of Section 3 the language " licensed paramedic, or notwithstanding any other provision of law to the contrary, licensed emergency medical technician approved to establish intravenous catheters," between the language " clinical laboratory technician," and the word " technologist" .

AND FURTHER AMEND by inserting in the amendatory language of Section 4 the language " licensed paramedic, or notwithstanding any other provision of law to the contrary, licensed emergency medical technician approved to establish intravenous catheters," between the language " clinical laboratory technician," and the word " technologist" .

Rep. Arriola moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 339**, which motion prevailed by the following vote:

Ayes .....	96
Noes .....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks,

Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 631** -- Agriculture -- Enacts "Agricultural District and Farmland Preservation Act." Amends TCA Title 43. by \*Givens, \*Davidson, \*Head, \*Newton, \*Roach, \*Ford S, \*Walley, \*McDonald, \*Curtiss, \*Hargrove, \*Callicott, \*Stulce, \*Fowlkes, \*Williams (Union).(\*SB512 by \*Haun, \*Holcomb, \*Atchley, \*Elsea, \*Fowler, \*Gilbert, \*Hamilton, \*Jordan, \*Koella, \*Leatherwood, \*McNally, \*Miller J, \*Person, \*Rice, \*Wright,\*Carter).

Rep. Givens moved that House Bill No. 631 be reset to the Message Calendar for Wednesday, May 24, 1995, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 655** -- Advertising -- Lowers permissible maximum sign size on scenic highways from 100 to 90 square feet. Amends TCA Title 54, Chapter 17. by \*Bragg, \*Buck, \*Pinion, \*Ridgeway, \*Cross (SB1346 by \*Burks, \*Womack).

Rep. Buck moved that House Bill No. 655 be reset to the Message Calendar for Thursday, May 25, 1995, which motion prevailed.

**HOUSE ACTION ON SENATE AMENDMENT**

**House Bill No. 778** -- Medicine, Practice of -- Extends, from three to four months, validity of temporary medical laboratory license. Amends TCA Title 68. by \*West (\*SB944 by \*Haynes).

**Senate Amendment No. 2**

AMEND House Bill No. 778 by deleting Section 1 in its entirety and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 68-29-117, is amended by adding a new subsection thereto as follows:

(d)

(1) A temporary license may be issued by the Board for an applicant who has successfully completed the academic course work, clinical training, and all Board designated requirements for the license sought, and is scheduled to take the next available Board approved examination.

(2) If an applicant passes the examination, the temporary license shall remain valid until the Board grants or denies the license application.

(3) If the applicant fails the examination, the temporary license shall remain valid only until the results of the examination are available to the Board.

(4) If the applicant fails to take the examination, the temporary license becomes void on the day of examination. In cases of severe hardship, the Board may in its discretion, and upon application, issue a second temporary license which if granted, shall remain valid until the results of the second examination are available to the Board.

(5) No individual may be issued more than one (1) temporary license, except as provided by subdivision (4).

(6) The recipient of a temporary license shall work only under the direct supervision of medical laboratory personnel licensed in the State of Tennessee at the medical laboratory technologist level or higher.

Rep. West moved that the House concur in Senate Amendment(s) No(s). 2 to **House Bill No. 778**, which motion prevailed by the following vote:

Ayes ..... 95  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Wittingham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

\***House Bill No. 832** -- Hospitals and Health Care Facilities -- Prohibits home health agencies from knowingly soliciting customers of other home health agencies. Amends TCA Title 68, Chapter 11. by \*Haley, \*DeBerry L., \*Jones R (Shelby), \*Miller L, \*Stamps, \*Haley, \*Kent (SB1454 by \*Person, \*Dixon, \*Ford J, \*Holcomb, \*Jordan, \*Leatherwood, \*McNally).

Rep Haley moved that House Bill No. 832 be reset to the Message Calendar for Wednesday, May 24, 1995, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1136** -- Pharmacy -- Requires containers of prescription drugs to state generic name of the drug actually dispensed as well as brand name of drug for which substitution made. Amends TCA Title 53, Chapter 10, Part 2 and Title 63, Chapter 10, Part 2. by \*Hassell (\*SB1483 by \*Person, \*Cohen).

Rep. Hassell moved that House Bill No. 1136 be reset to the Message Calendar for Thursday, May 25, 1995, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENT

**\*House Bill No. 1180** -- Industrial Development -- Redefines "project" under industrial development corporation to include buildings and facilities for production of electricity. Amends TCA Title 7, Chapter 53. by \*Rhinehart(SB1616 by \*Elsea).

Senate Amendment No. 1

AMEND House Bill No. 1180 by adding the following new section immediately preceding the effective date section and by renumbering the effective date section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 7-53-203, is amended by deleting from the second sentence the language " and that the \_\_\_\_\_ name is not identified with or so nearly similar to that of any other \_\_\_\_\_ corporation already in existence in this state as to lead to confusion and \_\_\_\_\_ uncertainty" .

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1180**, which motion prevailed by the following vote:

Ayes ..... 97  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1479 -- Public Service Commission -- Prohibits candidates for PSC from accepting contributions for primary or general elections from regulated businesses. Amends TCA 3-6-112. by \*Kisber, \*Tindell, \*Hassell, \*Bragg, \*Winningham, \*Rhinehart, \*Byrd, \*Pinion, \*Odom, \*Turner (Hamilton), \*Cole (Carter), \*Venable, \*DeBerry L, \*Turner (Shelby), \*Miller L, \*Eckles, \*Burchett, \*McMillan, \*Jackson, \*Givens, \*Beavers, \*Lewis (\*SB895 by \*Henry, \*Haynes, \*Person, \*Rice, \*Cohen, \*Ford J, \*Crowe).

Rep. Kisber moved that House Bill No. 1479 be reset to the Message Calendar for Thursday, May 25, 1995, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

House Bill No. 1649 -- Uniform Commercial Code -- Revises Uniform Commercial Code relative to commercial paper, bank deposits and collections. Amends TCA Title 47, Chapters 1, 3 and 4. by \*West, \*Fitzhugh, \*Hargrove, \*Byrd(\*SB1601 by \*Rochelle).

Senate Amendment No. 1

AMEND House Bill No. 1649 by deleting Section 5 and by substituting instead the following:

SECTION 5. This act shall take effect on July 1, 1996.

Senate Amendment No. 2

AMEND House Bill No. 1649 by inserting the following as a new Section 5, before the effective date section, and by redesignating subsequent sections accordingly:

SECTION 5.

(a) There is created a special review committee to study articles 3 and 4 as proposed by this act. The committee shall be composed of the following persons:

One (1) representative of the Tennessee Bankers Association from a bank with assets greater than five hundred thousand dollars (\$500,000) appointed by the Speaker of the House;

One (1) representative of the Tennessee Bankers Association from a bank with assets of less than five hundred thousand dollars (\$500,000) appointed by the Speaker of the Senate;

One (1) representative of the Tennessee Bar Association appointed by the Speaker of the Senate;

One (1) representative of the National Conference of Commissioners on Uniform State

Law or a person with an interest in  
commercial law on the faculty of one of the law  
schools in Tennessee appointed by the Speaker of the House;

One (1) representative of the Tennessee  
Business appointed by the  
Association of  
Speaker of the Senate; and

Two (2) members from each of the Senate and  
standing committees dealing with  
House commerce appointed by the respective Speakers.

(b) The committee shall review this act and make  
a report including proposed legislation if  
appropriate to the two Speakers by January 15,  
1996, at which time the committee shall cease to exist.

(c) The legislative members of the Committee  
shall receive such compensation and expenses as  
members are entitled. The non-legislative members  
shall serve without compensation but shall be  
entitled to reimbursement of travel and other related expenses in  
accordance with policies of the States afforded  
to executive personnel.

AND FURTHER AMEND by deleting in the directory language of  
the new Section 6 the phrase "January 1, 1996" and replacing it  
instead with the following:  
"July 1, 1996," .

Rep. West moved that the House concur in Senate Amendment(s)  
No(s). 1 and 2 to **House Bill No. 1649**, which motion prevailed by the  
following vote:

Ayes ..... 97  
Noes ..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers,  
Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck,  
Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole  
(Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J.,  
DeBerry, L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett,  
Givens, Gunnels, Haley, Haldeman Harwell, Hargrove, Hassell, Head,  
Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones,  
U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis,  
McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom,  
Patton, Peach, Phelan, Phillips, Pinion, Purcell, Ramsey, Rhinehart,  
Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley,  
Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby),  
Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union),  
Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh --  
97.

A motion to reconsider was tabled.

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1690** -- Workers' Compensation -- Authorizes  
risk-sharing agreements for creation and operation of common fund



pools, interlocal agreements and other methods to allow municipal utilities and electric coops to provide administration and payment of obligations under workers' compensation law or other employee injury fund. Amends TCA Titles 50, 56; Title 7, Chapter 82. by \*Coffey(\*SB1720 by \*Gilbert).

Rep. Coffey moved that House Bill No. 1690 be reset to the Message Calendar for Wednesday, May 24, 1995, which motion prevailed.

#### HOUSE ACTION ON SENATE AMENDMENT

**House Bill No. 1867** -- Agriculture, Dept. of -- Exempts from food service establishment requirements and inspection catering businesses that employ no regular full time employees, food preparation is performed solely within confines of principal residence of proprietor, and such business makes only occasional sales during any 30 day period. Amends TCA Title 53, Chapter 8. by \*Rhinehart, \*Buck(\*SB1853 by \*Cooper, \*Dixon).

#### Senate Amendment No. 1

AMEND House Bill No. 1867 by deleting SECTION 2 in its entirety and by substituting the following new sections:

SECTION 2. The definition in SECTION 1 is also added as an amendment to the definition of " food service establishment" in Tennessee Code Annotated, Section 68-14-302(4)

SECTION 3. This act shall take effect on becoming a law, the public welfare requiring it.

Rep. Rhinehart moved that the House concur in Senate Amendment(s) No(s). 1 to **House Bill No. 1867**, which motion prevailed by the following vote:

Ayes ..... 94  
Noes ..... 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks -- 1.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

On motion of Rep. Purcell, and second by Rep. Bittle, the following rules were suspended, without objection, for the remainder of the 1995 legislative session:

**Rule No. 17:** so that all memorializing and congratulatory resolutions can be placed directly on the next Consent Calendar;

**Rule No. 49:** the 48-hour rule so that all bills moved from Calendar and Rules can be set on the next floor Calendar;

**Rule No. 50:** the 72-hour rule for posting the Consent Calendar, so that Local Bills and other bills and resolutions coming out of Calendar and Rules can be placed on the next Consent Calendar on a daily basis;

**Rule No. 71:** the 24-hour rule requiring all amendments to be placed on member's desks;

**Rule No. 59:** notice provisions so that all bills from the Senate with messages can be announced and automatically be placed on the next Message Calendar;

**Rule No. 75:** meeting time provision so that session can meet hours other than 9:00 a.m. to 12 noon and 2:00 p.m. to 7:00 p.m.;

**Rule No. 80(1):** so that all bills reported out of subcommittee can be heard on the next full committee calendar without waiting a week;

**Rule No. 80(1):** so that all bills reported out of committee can be heard in the next committee or subcommittee without waiting a week.

RULES SUSPENDED

Rep. Purcell moved to suspend **Rule No. 80(1)**, relative to the time for placing bills on notice in Committee, so that House Bill(s) No(s). 1938 and 905 could be heard by the Government Operations Committee at 10:00 a.m. on Tuesday, May 23, 1995, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the Rules be suspended for the immediate introduction and passage on first consideration of House Bill(s) No(s). 1943 and 1944, which motion prevailed.

**\*House Bill No. 1943 -- Lafayette--**Subject to local approval, revises charter. Amends Chapter 325 of the Private Acts of 1945, as amended. by \*Buck, \*Winningham.

**House Bill No. 1944 -- Gibson County--**At the request of Gibson County Special School District, authorizes issuance of refunding bonds and pledge of available revenues to pay same. by \*Phelan.

**RULES SUSPENDED**

Rep. Rhinehart moved that the Rules be suspended for the immediate introduction and passage on first consideration of House Bill(s) No(s). 1941, which motion prevailed.

**House Bill No. 1941** -- Spencer -- Increases term of the mayor; increases compensation of mayor and aldermen. Amends Chapter 179 of the Private Acts of 1923. by \*Rhinehart.

**NOTICE TO ACT ON SENATE MESSAGES**

Pursuant to the suspension of **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on May 24, 1995:

**House Bill No. 483:** by Rep. Gunnels.

**House Bill No. 1558:** by Rep. Armstrong.

**Senate Bill No. 816:** by Rep. Huskey.

**BILL RETURN REQUESTED**

Pursuant to **Rule No. 54**, Rep. Herron moved that the Clerk request the return of Senate Bill No. 1404 from the Senate, which motion prevailed.

**BILL RECALL NOTICE**

Pursuant to **Rule No. 53**, Rep. Robinson filed notice of intent to recall House Bill No. 795 from the Finance, Ways and Means Committee and place it on the floor Calendar for Wednesday, May 24, 1995, which motion prevailed.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 113:** Rep(s). Ridgeway as prime sponsor(s).

**House Bill No. 1895:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 1937:** Rep(s). McDonald as prime sponsor(s).

**House Bill No. 1934:** Rep(s). Phelan as prime sponsor(s).

**House Bill No. 1943:** Rep(s). Winningham as prime sponsor(s).

**REQUEST TO BE ADDED AS SPONSOR**

MONDAY, MAY 22, 1995 -- FORTY-THIRD LEGISLATIVE DAY

The following member(s) requested to add their name(s) as sponsor(s) as indicated below, the prime sponsor having agreed to such addition. Sponsorship could not be granted since the request was made after passage/adoption of said bill/resolution:

House Bill No. 1868: Rep(s). McDonald.

House Bill No. 1873: Rep(s). McDonald.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 406.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 20; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

\*Senate Bill No. 20 -- Courts, Juvenile -- Extends jurisdiction, concurrent with circuit and chancery courts, to juvenile courts with regard to proceedings arising from the 1980 Hague Convention on the Civil Aspects of International Child Abduction. Amends TCA 37-1-104. by \*Person.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 34, 171, 308, 927, 1492, 1765 and 1777; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1914.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 651.

The Speaker appointed a Conference Committee composed of Senators Jordan, Holcomb and Wallace to confer with a like Committee from the House to resolve the differences of the two bodies on House Bill No. 651.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

MONDAY, MAY 22, 1995 -- FORTY-THIRD LEGISLATIVE DAY

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 166, 247, 248, 252, 324, 325 and 326.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1883, 1899, 1900, 1901, 1908, 1909, 1910 and 1911.

BETTY KAY FRANCIS, Chief Engrossing Clerk.  
**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 70, 108, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 322 and 323; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 231, 265, 345, 640, 1195, 1203, 1325, 1441, 1478 and 1608; also, Senate Joint Resolution(s) No(s). 221; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 220, 234, 264, 265, 266, 267, 269, 270, 272, 273, 274, 275, 276, 279, 280, 282, 283, 284, 285, 286, 287, 288, 289, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 302, 303, 304, 305 and 306; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1868, 1873, 1902, 1903, 1904, 1905, 1906, 1907, 1912, 1916, 1917, 1918 and 1927.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 324; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**  
**May 22, 1995**

The Speaker signed the following: Senate Bill(s) No(s). 231, 265, 345, 640, 1195, 1203, 1325, 1441, 1478 and 1608; also, Senate Joint Resolution(s) No(s). 221.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 259, 266 and 267; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Joint Resolution No. 259** -- Memorials, Personal Occasion--Milton Hamilton, Sr. and Novelle Rogers Hamilton, 70th Wedding Anniversary. by \*Hamilton.

**Senate Joint Resolution No. 266** -- Memorials, Public Service--Marvin and Sandra Walker, Maryville. by \*Koella.

**Senate Joint Resolution No. 267** -- Memorials, Academic Achievement--Christie Elizabeth Phillips Walker. by \*Koella.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1234, 1560, 1770 and 1782; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 89.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**  
**May 22, 1995**

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 389, 644, 840, 968, 1007, 1175, 1198, 1215, 1236, 1244, 1292, 1427, 1495, 1496, 1772, 1829, 1851; also, House Joint Resolution(s) No(s). 133 and 219.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**  
**May 22, 1995**

The Speaker signed the following: House Bill(s) No(s). 389, 644, 840, 968, 1007, 1175, 1198, 1215, 1236, 1244, 1292, 1427, 1495, 1496, 1772, 1829, 1851; House Joint Resolution(s) No(s). 133 and 219.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**May 22, 1995**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 876.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**  
**May 22, 1995**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1393, 1632, 1749 and 1913; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 1393** -- Sentencing -- Requires trial judge when imposing sentence to announce in open court estimated minimum time defendant will be incarcerated based upon charts furnished by department of correction. Amends TCA Title 40, Chapter 35. by \*Gilbert.

**Senate Bill No. 1632** -- Election Laws -- Decreases from 100 to 25 number of registered voters that must sign nomination petition for delegate to national party convention. Amends TCA Title 2, Chapter 13. by \*Atchley.

**\*Senate Bill No. 1749** -- Criminal Offenses -- Removes requirement that first degree murder must be premeditated and deliberate; removes requirement that first degree felony murder must be reckless; removes requirement that second degree murder when death caused by unlawful drug distribution be reckless; raises vehicular homicide from Class C to Class B felony unless negligence of victim substantially contributed to victim's death. Amends TCA Title 39, Chapter 13, Part 2. by \*Wright, \*Atchley, \*Person, \*Elsea, \*Leatherwood, \*McNally, \*Miller J, \*Gilbert, \*Carter, \*Holcomb, \*Haun, \*Jordan, \*Fowler, \*Hamilton.

**\*Senate Bill No. 1913** -- Courts, General Sessions -- Allows Robertson County general sessions court judge to appoint own court officers. Amends TCA 88-201. by \*Wright.

**CONSENT CALENDAR**  
**May 22, 1995**

The following local bills have been placed on the Consent Calendar for **May 24, 1995**: House Bill(s) No(s). 1894, 1913, 1922, 1923, 1924, 1925, 1928, 1929, 1930, 1931, 1933, 1934, 1935 and 1937.

**ROLL CALL**

The roll call was taken with the following results:  
Present ..... 99

Representatives present were: Armstrong, Arriola, Beavers, Bell, Bird, Bittle, Bowers, Boyer, Bragg, Brooks, Brown, Buck, Burchett, Byrd, Callicott, Cantrell, Chumney, Clabough, Coffey, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry, J., DeBerry,

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L., Duer, Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hicks, Huskey, Jackson, Jones, R. (Shelby), Jones, S., Jones, U. (Shelby), Joyce, Kent, Kernell, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Napier, Newton, Odom, Patton, Peach, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Roach, Robinson, Sharp, Shirley, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Westmoreland, White, Whitson, Williams (Union), Williams (Williamson), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 99.

RECESS MOTION

On motion of Rep. Purcell, the House recessed until 9:00 a.m., Wednesday, May 24, 1995.